

ATTORNEY CONFIDENTIAL

Intel Corporation  
4500 S. Dobson Road, MS: OC2-157  
Chandler, AZ 85248

RECEIVED  
CENTRAL FAX CENTER

DEC 23 2005

Intel Legal Team

# Fax

Page 1 of 19

Urgent

Confidential

Date: 23-Dec-05

To: Examiner: PEREZ, GUITERREZ RAFAE (571) 273-8300 Art Unit: 2686  
USPTO

From: Lanny L. Parker Fax: (480) 715-7738 M/S: OC2-157

Subject:

Application No.: 10/026,426

Filed: 12/18/2001 Inventor: Benjamin K. Gibbs Docket No.: 42390P12945

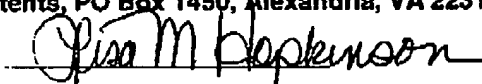
A CONFIRMATION COPY OF THIS DOCUMENT:

WILL NOT BE SENT

I hereby certify that the below listed correspondence is being facsimile transmitted to the  
USPTO to: Mail Stop: AF, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-  
1450 on 12/23/05.

Lisa M. Hopkinson

Date: 12/23/05



Included in this transmission:

Fax Cover Sheet (1 page)

Transmittal Form (1 page)

Fee Transmittal (1 page submitted in duplicate)

Appeal Brief (15 pages including Appendix A)

**Important Notice**

This information is intended to be for the use of the individual or entity named on this transmittal sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify the sender by telephone immediately so that arrangements can be made for the retrieval of the original document at no cost to you.

DEC 23 2005

PTO/SB/21 (09-04)

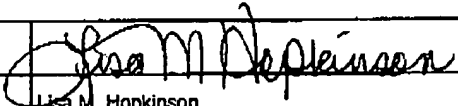
Approved for use through 07/31/2006. OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/026,426
	Filing Date	12/18/2001
	First Named Inventor	Benjamin K. Gibbs
	Art Unit	2686
	Examiner Name	PEREZ, GUITERREZ RAFAEL
	Attorney Docket Number	42390P12945
Total Number of Pages in This Submission		19

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax Cover Sheet
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	INTEL CORPORATION		
Signature	/ Lanny L. Parker /		
Printed name	Lanny L. Parker		
Date	DECEMBER 23, 2005	Reg. No.	44,281

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:	
Signature	
Typed or printed name	Lisa M. Hopkinson
Date	DECEMBER 23, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

DEC 23 2005

PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<p>Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</p> <h2 style="text-align: center;">FEE TRANSMITTAL</h2> <h3 style="text-align: center;">For FY 2005</h3> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>		<p><b>Complete if Known</b></p> <p>Application Number: 10/026,426</p> <p>Filing Date: 12/18/2001</p> <p>First Named Inventor: BENJAMIN K. GIBBS</p> <p>Examiner Name: PEREZ, GUTIERREZ RAFAEL</p> <p>Art Unit: 2686</p> <p>Attorney Docket No.: 42390P12945</p>	
<p><b>TOTAL AMOUNT OF PAYMENT</b> (\$)</p> <p>500.00</p>			

**METHOD OF PAYMENT** (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 50-0221 Deposit Account Name: Intel Corporation

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

**Total Claims**      **Extra Claims**      **Fee (\$)**      **Fee Paid (\$)**

- 20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of total claims paid for, if greater than 20.

**Indep. Claims**      **Extra Claims**      **Fee (\$)**      **Fee Paid (\$)**

- 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	_____	_____	_____	_____

- 100 = \_\_\_\_\_ / 50 = \_\_\_\_\_ (round up to a whole number) x \_\_\_\_\_ = \_\_\_\_\_

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Fee Code 1402 - 41.20(b)(2) - Filing a Brief in Support of an Appeal \_\_\_\_\_ \$500.00

<b>SUBMITTED BY</b>		Registration No.	Telephone
Signature	/ Lanny L. Parker /	(Attorney/Agent) 44,281	480-715-5388
Name (Print/Type)	Lanny L. Parker	Date DECEMBER 23, 2005	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED  
CENTRAL FAX CENTER

42390P12945

DEC 23 2005

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE  
TRANSMITTED TO THE U.S. PATENT AND TRADEMARK OFFICE (FAX NO. (571)  
273-8300) ON THE DATE INDICATED BELOW:

Date of Transmission: \_\_\_\_\_ By: \_\_\_\_\_  
Lisa M. Hopkinson

.....  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: **Benjamin K. Gibbs**

December 23, 2005

Appln. No.: 10/026,426

Group Art Unit: 2686

Filed: December 18, 2001

Examiner: Perez Gutierrez, Rafael

For: **WIRELESS TRICKLE SYNC DEVICE**

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPEAL BRIEF ON APPEAL**

Appellants (hereafter "Appellants") hereby submit, pursuant to Appellants' Notice of Appeal filed on **December 8, 2005**, this Brief in support of their Appeal from a Final Rejection by the Examiner dated September 29, 2005. Appellants respectfully request consideration of this Appeal by the Board of Patent Appeals and Interferences for allowance of the claims in the above-captioned patent application.

12/27/2005 TL0111 00000074 500221 10026426  
01 FC:1402 500.00 DA

42390P12945

**I. REAL PARTY IN INTEREST**

The invention is assigned to Intel Corporation of 2200 Mission College Boulevard, Santa Clara, California 95052. Intel Corporation is the real party in interest.

**II. RELATED APPEALS AND INTERFERENCES**

To the best of Appellants' knowledge, there are no appeals or interferences related to the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision.

**III. STATUS OF THE CLAIMS**

Claims 1-26 are currently pending in the above-referenced patent application. All claims stand rejected either under 35 U.S.C. § 102(e) or 35 U.S.C. § 103(a) in the Final Office Action mailed on September 29, 2005 and are the claims subject to this appeal. The original patent application as filed on December 18, 2001 included claims 1-30. Claims 27-30 were canceled by the response filed on December 7, 2004. Appendix A includes a copy of the claims subject to this appeal.

**IV. STATUS OF AMENDMENTS**

In an Office Action dated October 5, 2004, claims 1-2, 9-10, 17 and 19 were rejected under 35 U.S.C. § 102(e) with the Examiner stating that the claims were anticipated by Chhatriwala et al. (U.S. Patent # 6,725,060). Claims 21-24 and 26 were rejected under 35 U.S.C. 102(b) as being anticipated by the pdQ Basics Handbook (80-68788-1, Rev. A). Claims 3-6 and 11 were further rejected under 35 U.S.C. 103(a) for being unpatentable over Chhatriwala et al. in view of the pdQ Basics Handbook (80-68788-1, Rev. A). Claims 7 and 8 were also rejected under 35 U.S.C. 103(a) for being unpatentable over Chhatriwala et al. Claims 12-16, 18 and 20 were rejected under 35 U.S.C. 103(a) for being unpatentable over Chhatriwala et al. in view of Nickum (U.S. Patent # 6,760,600). Claims 25 and 27-30 were rejected under 35 U.S.C. 103(a) for being unpatentable over the pdQ Basics Handbook (80-68788-1, Rev. A) in view of Nickum (U.S. Patent # 6,760,600).

42390P12945

Appellant submitted an amendment on December 7, 2004 to resolve the issues for the U.S.C. § 102(e) and 35 U.S.C. 103(a) rejections.

In an Office Action dated September 29, 2005, claims 1-2, 9-10, 17 and 19 were again rejected under 35 U.S.C. § 102(e) with the Examiner once again holding that the claims were anticipated by Chhatiwala et al. (U.S. Patent # 6,725,060). The action was made final. The rejections under 35 U.S.C. 103(a) for claims 3-6 and 11, claims 7 and 8, claims 12-16, 18 and 20 were maintained. In addition, claims 21-24 and 26 were rejected under 35 U.S.C. 103(a) for being unpatentable over the pdQ Basics Handbook (80-68788-1, Rev. A) in view of Chhatiwala et al. (U.S. Patent # 6,725,060). Claim 25 was rejected under 35 U.S.C. 103(a) for being unpatentable over the pdQ Basics Handbook (80-68788-1, Rev. A) in view of Chhatiwala et al. (U.S. Patent # 6,725,060) and further in view of Nickum (U.S. Patent # 6,760,600).

#### V. SUMMARY OF CLAIMED SUBJECT MATTER

Appellants' claimed invention is for a system that includes a host processor having an active state that allows a user to specify a policy, and an inactive state where the host processor is inoperative to user inputs. When the host processor is in the inactive state a device coupled to the host processor may transmit and receive Radio Frequency (RF) signals in accordance with the policy previously specified.

The specification provides on page 6, lines 1-6, the details that describe the active state of the host processor as a powered-on state that provides interaction between the user and the processor. Further, the host active state allows software applications to execute. The specification further provides on page 6, lines 6-17, the details that describe the inactive state of the host processor as a powered-off state that inhibits interaction between the user and the processor. Page 6, line 28, and continuing to page 7, line 2, iterates that the RF device may act autonomously or separately from the host processor in the inactive state to transmit and receive data in accordance with the user-defined policy.

42390P12945

The specification as described on page 7, lines 3-23, shows user-defined rules for a "policy" that may govern the types of data requested in a wireless communication. The provided examples include intranet services, e-commerce services, data-intensive services, user preferences, email messages, stock quotes, or user-defined web Uniform Resource Locators (URLs). The RF device may act autonomously or separately from the host processor because a file that stores the policy may be downloaded to the RF device and again stored, then used by the RF device to govern the wireless communications even when the host processor is in the inactive state.

#### VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The issues for consideration on this appeal are:

- A. Whether claims 1, 2, 9, 10, 17 and 19 are properly rejected under 35 U.S.C. § 102(e) as being anticipated by Chhatriwala et al.
- B. Whether claims 3-6 and 11 are properly rejected under 35 U.S.C. § 103(a) as being unpatentable over Chhatriwala et al. in view of the pdQ Basics Handbook (80-68788-1, Rev. A).
- C. Whether claims 7 and 8 are properly rejected under 35 U.S.C. 103(a) as being unpatentable over Chhatriwala et al.
- D. Whether claims 12-16, 18 and 20 are properly rejected under 35 U.S.C. 103(a) as being unpatentable over Chhatriwala et al. in view of Nickum (U.S. Patent # 6,760,600).
- E. Whether claims 21-24 and 26 are properly rejected under 35 U.S.C. 103(a) as being unpatentable over the pdQ Basics Handbook (80-68788-1, Rev. A) in view of Chhatriwala et al.
- F. Whether claim 25 is properly rejected under 35 U.S.C. 103(a) as being unpatentable over the pdQ Basics Handbook (80-68788-1, Rev. A) in view of Chhatriwala et al. as applied to claim 23, and further in view of Nickum (U.S. Patent # 6,760,600).

42390P12945

**VII. ARGUMENT****THE EXAMINER'S ARGUMENT**

The Office Action states that Chhatriwala et al. teach Appellants' claim 1 that recites a host processor having an active state that allows a user to specify a policy and an inactive state where the host processor is inoperative to user inputs. The Examiner reads the host processor as the PDA unit 20. The Examiner cites column 2, lines 46-49 to show that the PDA has active and inactive states, where the inactive state is a sleep mode responsive to cessation of activity. The Examiner further points to column 1, lines 19-24, to show that the PDA unit 20 is capable of specifying a policy by pointing out the unit runs applications such as personal scheduling programs, address books, games and notepad programs.

Appellants' claim 1 further recites a device that is coupled to the host processor to transmit and receive Radio Frequency (RF) signals in accordance with the policy when the host processor is in the inactive state. The Examiner cites column 3, lines 59-61, and column 4, lines 31-37, to show that the PDA may be in a mode that is independent from the wireless phone operation, such as receiving incoming calls or placing outgoing calls.

**APPELLANTS' RESPONSE TO THE EXAMINER'S ARGUMENT**

(A) Claims 1-2, 9-10, 17 and 19 stand finally rejected under 35 U.S.C. §102(e) with the Office Action stating that the claims are anticipated by Chhatriwala et al. Appellant respectfully requests that this rejection be overturned for the following reasons.

**Claim 1**

Chhatriwala et al. do teach in column 3, lines 59-61, that the PDA unit 20 may be in a power-off state or a power-on state without regards to the state of operation of the wireless telephone 30. Chhatriwala et al. further teach in column 3, lines 25-30, that the PDA unit 20 may receive user information through the display 40. Therefore, Appellants agree with the Examiner's assessment that PDA unit 20 has an active state and an inactive state and that while in the inactive state the PDA unit 20 is inoperative to user inputs.



42390P12945

Appellants disagree with the Examiner's definition of the term "policy". Also, Appellants disagree with the Examiner's assessment that the remaining portion of Appellants' claim 1 is anticipated by the reference of Chhatriwala et al., namely, that a device coupled to the host processor transmits and receives Radio Frequency (RF) signals in accordance with the policy when the host processor is in the inactive state.

Chhatriwala et al. do illustrate in FIG. 1 and teach in column 3, lines 3-28, that a wireless telephone/pager 30 may be powered off and the PDA unit 20 operable to receive information from the user through the display 40. Thus, Chhatriwala et al. teach an inactive wireless telephone/pager 30 and an active PDA unit 20. However, a portion of Appellants' claimed invention involves the opposite condition, namely, that the PDA unit 20 be inactive while wireless telephone/pager 30 is active. Chhatriwala et al. do not teach or comment on this combination of an inactive PDA unit and an active wireless telephone/pager 30. Chhatriwala et al. are silent on whether the wireless telephone transmits and receives information while the PDA unit 20 is inactive.

Further, Appellants' claim 1 recites that a host processor has an active state that allows a user to specify a policy and a device that transmits RF signals in accordance with the policy when the host processor is in the inactive state. The Examiner points to column 1, lines 19-24, to show that a host processor has an active state that allows a user to specify a policy. The so called policy set by Chhatriwala et al. is described as "personal scheduling programs, address books, games and notepad programs". Appellants point out that Chhatriwala et al. provided this list as "applications", not "policy". Also note that the applications specified as "personal scheduling programs, address books, games and notepad programs" are only intended for the PDA unit 20 and not for the wireless telephone/pager 30.

Again, it is Appellants belief that Chhatriwala et al. did not intend to use the application list that includes "personal scheduling programs, address books, games and notepad programs" to transmit RF signals in accordance with this so called "policy". Also note that Chhatriwala et al. do not teach or suggest that the PDA unit 20 may transfer a user-defined policy to a device for use in transmitting RF signals. In other words, there is no electrical path, indication or evidence that Chhatriwala's wireless telephone/pager 30 is able to respond to a policy set by a user.

42390P12945

The reference of Chhatriwala et al. does not teach or suggest this claimed feature of Appellant's base claims 1, and therefore, the rejection of claim 1 under 35 U.S.C. §102(e) based on the cited reference should be removed. Claims 2, 9, and 10 directly depend from base claim 1 and are allowable for at least the same reasons as base claim 1.

**Claim 17**

Appellants' claim 17 recites portable computer having a host processor, comprising an RF device to request data in accordance with a policy that stores user-defined services in preparation of a command from the host processor to request the user-defined services, wherein the RF device provides wireless transmission even when the host processor is in an inactive state.

Again, as previously mentioned Chhatriwala et al. do not teach or suggest an RF device to request data in accordance with a policy, wherein the RF device provides wireless transmission even when the host processor is in an inactive state.

Since the reference of Chhatriwala et al. neither teaches or suggests this claimed feature of Appellant's base claims 17, the rejection of claim 17 under 35 U.S.C. §102(e) based on the cited reference should be removed. Claim 19 depends from base claim 17 and is allowable for at least the same reasons as base claim 17.

**(B)** Claims 3-6 and 11 stand finally rejected under 35 U.S.C. §103(a) with the Office Action stating that the claims are unpatentable over Chhatriwala et al. in view of the pdQ Basics Handbook (80-68788-1, Rev. A). The Examiner states that Chhatriwala et al. disclose a policy that includes at least one selected from a group of intranet services, e-commerce services, user preferences, email messages, stock quotes, or Uniform Resource Locators (URLs). Appellant respectfully disagrees that Appellant respectfully requests that this rejection be overturned for the following reasons.

Claims 3-6 and 11 depend, either directly or indirectly, from base claim 1 and are believed to be allowable based on claim 1 being allowable.

**(C)** Claims 7 and 8 stand finally rejected under 35 U.S.C. §103(a) with the Office Action stating that the claims are unpatentable over Chhatriwala et al.

42390P12945

Claims 7 and 8 depend, either directly or indirectly, from base claim 1 and are believed to be allowable based on claim 1 being allowable.

(D) Claims 12-16, 18 and 20 stand finally rejected under 35 U.S.C. §103(a) with the Office Action stating that the claims are unpatentable over Chhatriwala et al. in view of Nickum (U.S. Patent # 6,760,600).

Appellants' claim 12 recites a host processor having an active state to generate a policy and an inactive state where the host processor is not responsive to user inputs. An RF device is attached to a card to insert into a slot of the portable system, wherein the RF device after insertion into the slot is coupled to the host processor to receive the policy and transmit and receive Radio Frequency (RF) signals in accordance with the policy when the host processor is in the inactive state.

It has already been stated that Chhatriwala et al. do not teach or suggest an RF device coupled to a host processor to receive a policy, where the device then transmits and receives Radio Frequency (RF) signals in accordance with the policy when the host processor is in an inactive state.

Nickum teaches a variety of devices connected together, where the devices are easily detached and individually functional. When attached together, these devices provide a communication apparatus that is portable and operational. Nickum teaches that the individual devices are each powered by batteries, or alternatively, these devices may be connected to a common power supply. Nickum teaches in column 5, lines 49-56, power management functions that allow the cellular telephone 14 and pager 16 to be coupled to the power supply of computer 12. However, the power management taught by Nickum does not extend to placing the processor in an inactive state and having the RF pager device transmit signals.

Note that it is not Appellants intent to attack the relied upon references separately but the references, either taken singularly or in combination, do not include an RF device coupled to a host processor to receive a policy, where the device then transmits and receives Radio Frequency (RF) signals in accordance with the policy when the host processor is in an inactive state as recited in Appellants' claim 12. Accordingly, the Examiner's references provided in support of the rejection of the

42390P12945

subject patent application under 35 U.S.C. § 103(a) as being unpatentable over Chhatriwala et al. in view of Nickum should be removed.

Claims 13-16 depend, either directly or indirectly, from base claim 12 and are believed to be allowable based on claim 12 being allowable.

Claims 18 and 20 directly depend from base claim 17 and are believed to be allowable based on independent claim 17 being allowable.

(E) Claims 21-24 and 26 stand finally rejected under 35 U.S.C. §103(a) with the Office Action stating that the claims are unpatentable over the pdQ Basics Handbook (80-68788-1, Rev. A), in view of Chhatriwala et al.

Appellants' claim 21 recites the actions of updating a policy using a processor in a powered state; downloading the policy to a device; placing the processor in an inactive state; and using the device to transmit and receive Radio Frequency (RF) signals according to the policy even when the processor is in the inactive state.

Appellants believe that it has already been shown that the reference of Chhatriwala et al. operates "applications" in the PDA unit 20 and does not show updating a policy using a processor in a powered state. It has also been shown that Chhatriwala et al. do not teach or suggest downloading the policy to a device. And finally, Chhatriwala et al. does not demonstrate a device that transmits and receives Radio Frequency (RF) signals according to the policy even when the processor is in the inactive state. These features of Appellants' claim 21 are not taught or shown in the Chhatriwala et al. reference.

The Examiner points to the pdQ Basics Handbook, chapter 3, page 1; chapter 2, pages 18-19; and chapter 5, page 58 to show a phone that is turned on, capable of sending and receiving calls, deploying palm applications, installing applications, making a data connection, and checking and responding to messages. Appellants agree that the Palm device can provide these activities listed by the Examiner. However, Appellants' claim 21 recites updating a policy using a processor (identified by the Examiner as the Palm) in a powered state, downloading the policy to a device, placing the processor in an inactive state, and using the device to transmit and receive Radio Frequency (RF) signals according to the policy even when the processor is in the inactive state.

42390P12945

In chapter 1, page 7 of the pdQ Basics Handbook it is stated that Palm<sup>TM</sup> connected organizer applications allow phone calls, email, or Internet access directly from Palm applications. Not stated is whether the Palm downloads a user installed policy to a device before powering off the Palm device, then uses the device to transmit and receive Radio Frequency (RF) signals according to the policy even when the Palm is in an inactive state. The Examiner identifies chapter 8, pages 75-76 to disclose the Palm device downloading the policy to a device. Appellants believe that chapter 8 in the pdQ Basics Handbook does disclose instructions that allow a user to enter a policy into an active Palm device. Again, not stated is whether the Palm downloads the user installed policy to a device before powering off the Palm device, then uses the device to transmit and receive Radio Frequency (RF) signals according to the policy even when the Palm is in an inactive state.

It is well established that obviousness requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Without conceding the appropriateness of the combination, Appellants respectfully submit that the combination of the pdQ Basics Handbook (80-68788-1, Rev. A) and Chhatriwala et al. does not meet the requirements of an obvious rejection in that neither reference teaches nor suggests downloading a policy to a device; placing the processor in an inactive state; and using the device to transmit and receive Radio Frequency (RF) signals according to the policy even when the processor is in the inactive state.

Appellants would like to emphasize that the preceding paragraphs were not intended to attack the pdQ Basics Handbook and Chhatriwala et al. separately. But instead, Appellants have shown how each is devoid of certain claimed elements and limitations so that, by default, the combination is also devoid of at least some of the features of Appellants' claimed invention.

Claims 22-24 and 26 depend, either directly or indirectly, from base claim 21 and are believed to be allowable based on independent claim 21 being allowable.

**(F)** Claim 25 stand finally rejected under 35 U.S.C. §103(a) with the Office Action stating that the claims are unpatentable over the pdQ Basics Handbook (80-68788-1, Rev. A) in view of Chhatriwala et al. as applied to claim 23, and further in view of Nickum (U.S. Patent # 6,760,600).

42390P12945

Appellants' claim 25 depends from Appellants' claim 21 and is believed to be allowable for at least the same reasons as base claim 21 being allowable.

**VIII. CONCLUSION**

Appellants respectfully submit that in view of the foregoing all the pending claims in this patent application are patentable and request that the Board of Patent Appeals and Interferences overrule the Examiner and direct allowance of the rejected claims.

Respectfully submitted,

/ Lanny L. Parker /

Lanny L. Parker

Patent Agent for Appellant  
Registration Number: 44,281  
Intel Corporation  
(480) 715-5388

c/o  
Blakely, Sokoloff, Taylor & Zafman  
12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(503) 264-0967

42390P12945

**APPENDIX A:  
(Claims On Appeal)**

1. A system, comprising:  
a host processor having an active state that allows a user to specify a policy, and an inactive state where the host processor is inoperative to user inputs; and  
a device coupled to the host processor to transmit and receive Radio Frequency (RF) signals in accordance with the policy when the host processor is in the inactive state.
2. The system of claim 1, wherein the inactive state of the host processor includes the host processor in one of a power-off state, a power-down state, a standby state and a sleep state.
3. The system of claim 1, wherein the policy includes at least one selected from a group that includes intranet services, e-commerce services, user preferences, email messages, stock quotes, or Uniform Resource Locators (URLs).
4. The system of claim 1, further comprising a memory coupled to the host processor and to the device.
5. The system of claim 4, wherein the memory stores data received by the device when the host processor is in the inactive state.
6. The system of claim 4, wherein the memory stores the policy.
7. The system of claim 1, where the host processor retrieves data from the device and distinguishes cached data retrieved by the host processor.
8. The system of claim 7, where the device differentiates between the cached data for age information and live data.

42390P12945

9. The system of claim 1, wherein the policy is defined by a user interacting with the host processor in the active state.

10. The system of claim 1 wherein the device remains powered when the host processor is inactive.

11. The system of claim 1, further including an application processor having a bus coupled to the host processor.

12. A portable system, comprising:  
a host processor having an active state to generate a policy and an inactive state where the host processor is not responsive to user inputs; and  
an RF device attached to a card to insert into a slot of the portable system, wherein the RF device after insertion into the slot is coupled to the host processor to receive the policy and transmit and receive Radio Frequency (RF) signals in accordance with the policy when the host processor is in the inactive state.

13. The portable system of claim 12, wherein the RF device transmits and receives RF signals in accordance with the policy when the card is detached from the portable system.

14. The portable system of claim 12, wherein the card is a PCMCIA card.

15. The portable system of claim 14, wherein the PCMCIA card is a Type II PC card.

16. The portable system of claim 12, wherein the RF device receives a policy to communicate with the host processor and change to the active state according to a completion of transmission or reception of data.



42390P12945

17. A portable computer having a host processor, comprising an RF device to request data in accordance with a policy that stores user-defined services in preparation of a command from the host processor to request the user-defined services, wherein the RF device provides wireless transmission even when the host processor is in an inactive state.

18. The portable computer of claim 17, wherein the RF device is attached to a PCMCIA card that is inserted into a slot in the portable computer that houses the host processor.

19. The portable computer of claim 17, wherein the host processor is powered-off while the RF device requests data in accordance with the policy.

20. The portable computer of claim 17, wherein the RF device transmits and receives signals in accordance with the policy and acts autonomously from the host processor when removed from the portable computer.

21. A method, comprising:  
updating a policy using a processor in a powered state;  
downloading the policy to a device;  
placing the processor in an inactive state; and  
using the device to transmit and receive Radio Frequency (RF) signals according to the policy even when the processor is in the inactive state.

22. The method of claim 21, further comprising storing the RF signals in a memory coupled to the device.

23. The method of claim 22, further comprising providing power to place the processor in a powered-on state.

24. The method of claim 23, further comprising generating a request from the powered-on processor to receive the RF signals from the device.

42390P12945

25. The method of claim 23, wherein the request is passed to the device attached to a PCMCIA card that is inserted into a slot in a computer that houses the processor.

26. The method of claim 23, further comprising updating the policy with a record of activity between the processor and the device.

27-30 (Withdrawn from consideration).